

REMARKS

This is a full and timely response to the outstanding Office action mailed November 21, 2003. Upon entry of the amendments in this response, claims 1-31 and 35-38 are pending. More specifically, claims 1, 30, 31, 35, and 36 are amended, and claims 32-34 are canceled. These amendments are specifically described hereinafter. It is believed that the foregoing amendments add no new matter to the present application.

I. Present Status of Patent Application

Claims 1-36 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Council *et al.* (National Transportable Telecommunications Capability: Commercial Satellite and Cellular Comm. For Emergency Preparedness, vol. 1, conf. 11, pages 137-140 XP000346717).

II. Examiner Interview

Applicant first wishes to express his sincere appreciation for the time that Examiner Tran spent with Applicant's representatives, Benjie Balser and Jeff Kuester during a July 13, 2004 telephone discussion regarding the above-identified Office Action. Applicant believes that certain important issues concerning differences between the independent claims and the *Council* reference were identified during the telephone discussion, and that they are resolved herein. The Attorneys stated that the *Council* reference does not disclose a cell site that has been disconnected from a cellular system, and the *Council* reference also does not disclose a cellular system that uses a standard setup channel and frequency coordination. Examiner Tran seemed to indicate that he would need to review the amendments and that it would be potentially beneficial for Applicant to file this amendment and response. Thus, Applicant respectfully requests that Examiner Tran carefully consider this amendment and response.

III. Miscellaneous Issues

Applicant respectfully asserts that the foregoing amendments were only made for the clarification of terms, that they add no new matter to the present application, and that the amendments do not present material that requires a new search by the Examiner

Applicant would also like to point out again that it appears that in the IDS included in the present Office Action, the Examiner has still inadvertently missed initialing Cite No. 2 of "Other Documents" on the second page of the IDS originally submitted by the Applicant on July 17. Applicant respectfully requests that a corrected IDS be submitted if the Examiner has considered the document.

IV. Rejections Under 35 U.S.C. §102(b)

A. Claims 1-29

The Office Action rejects claims 1-29 under 35 U.S.C. §102(b) as being anticipated by *Council et al.* (National Transportable Telecommunications Capability: Commercial Satellite and Cellular Comm. For Emergency Preparedness, vol. 1, conf. 11, pages 137-140 XP000346717). For the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 1 recites:

A remote, self-contained communications antenna apparatus for establishing wireless communications, comprising:

- (a) a vehicle; and
- (b) attached to said vehicle, equipment for
 - (i) *transceiving communication signals between said equipment and a disconnected cell site that has been disconnected from its cellular system*, and
 - (ii) transceiving communication signals between said equipment and a communications network.

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

Applicant respectfully submits that independent claim 1 is allowable for at least the reason that *Council* does not disclose, teach, or suggest at least **transceiving communication signals**

between said equipment and a disconnected cell site that has been disconnected from its cellular system. *Council* teaches a system that is brought to a location in an emergency situation. *See Council*, page 0137. It uses a nonstandard setup channel and frequency coordination so that the system can be operated in the same vicinity of an existing cellular carrier. *See Council*, page 0138. Conversely, the system of claim 1 has a cell site which has been disconnected from its cellular system. It works to provide service to cell phones that are already otherwise in service. It does not provide a supplemental, nonstandard service as disclosed in *Council*. A disconnected cell site that has been disconnected from its cellular system is not part of the *Council* reference at all.

Notwithstanding, the undersigned has reviewed the entirety of the *Council* reference, and has failed to identify any such teaching anywhere within this reference. Therefore, *Council* does not anticipate claim 1, and the rejection should be withdrawn.

Because independent claim 1 is allowable over the prior art of record, dependent claims 2-29 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 2-29 contain all the steps/features of independent claim 1. *See Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, since dependent claims 2-29 are patentable over *Council*, the rejection to claims 2-29 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 1, dependent claims 2-29 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the references of record. Hence there are other reasons why dependent claims 2-29 are allowable.

B. Claims 30 and 31

The Office Action rejects claims 30 and 31 under 35 U.S.C. §102(b) as being anticipated by *Council* et al. (National Transportable Telecommunications Capability: Commercial Satellite and Cellular Comm. For Emergency Preparedness, vol. 1, conf. 11, pages 137-140 XP000346717). For the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 30 recites:

A remote, self-contained communications antenna apparatus for establishing wireless communications, comprising:

- (a) a vehicle; and
- (b) attached to said vehicle, equipment for
 - (i) ***transceiving communication signals between said equipment and a system of cellular devices that use a standard setup channel and frequency coordination***, and
 - (ii) transceiving communication signals between said equipment and a communications network.

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

Applicant respectfully submits that independent claim 30 is allowable for at least the reason that *Council* does not disclose, teach, or suggest at least **transceiving communication signals between said equipment and a system of cellular devices that use a standard setup channel and frequency coordination**. *Council* teaches a system that is brought to a location in an emergency situation. *See Council*, page 0137. It uses a nonstandard setup channel and frequency coordination so that the system can be operated in the same vicinity of an existing cellular carrier. *See Council*, page 0138. Conversely, the system of claim 30 works to provide service to cell phones that are already otherwise in service. It does not provide a supplemental, nonstandard service as disclosed in *Council*.

Notwithstanding, the undersigned has reviewed the entirety of the *Council* reference, and has failed to identify any such teaching anywhere within this reference. Therefore, *Council* does not anticipate claim 30, and the rejection should be withdrawn.

Because independent claim 30 is allowable over the prior art of record, dependent claim 31 (which depends from independent claim 30) is allowable as a matter of law for at least the reason that dependent claim 31 contains all the steps/features of independent claim 30. *See Minnesota*

Mining and Manufacturing Co. v. Chemque, Inc., 303 F.3d 1294, 1299 (Fed. Cir. 2002)
Jeneric/Pentron, Inc. v. Dillon Co., 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, since dependent claim 31 is patentable over *Council*, the rejection to claim 31 should be withdrawn and the claim allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 30, dependent claim 31 recites further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the references of record. Hence there are other reasons why dependent claim 31 is allowable.

C. Claim 35

The Office Action rejects claim 35 under 35 U.S.C. §102(b) as being anticipated by *Council et al.* (National Transportable Telecommunications Capability: Commercial Satellite and Cellular Comm. For Emergency Preparedness, vol. 1, conf. 11, pages 137-140 XP000346717). For the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 35 recites:

A method for establishing wireless communications, comprising:

- (a) *transceiving wireless communication signals between a wireless device and a disconnected cell site that has been disconnected from a cellular system*; and
- (b) transceiving communication signals between said disconnected cell site and a remote, self-contained communications antenna apparatus; and
- (c) transceiving communication signals between said remote, self-contained communications antenna apparatus and a communications network.

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

Applicant respectfully submits that independent claim 35 is allowable for at least the reason that *Council* does not disclose, teach, or suggest at least **transceiving wireless communication**

signals between a wireless device and a disconnected cell site that has been disconnected from a cellular system. *Council* teaches a system that is brought to a location in an emergency situation. *See Council*, page 0137. It uses a nonstandard setup channel and frequency coordination so that the system can be operated in the same vicinity of an existing cellular carrier. *See Council*, page 0138. Conversely, the system of claim 35 has a cell site which has been disconnected from its cellular system. It works to provide service to cell phones that are already otherwise in service. It does not provide a supplemental, nonstandard service as disclosed in *Council*. A disconnected cell site that has been disconnected from its cellular system is not part of the *Council* reference at all.

Notwithstanding, the undersigned has reviewed the entirety of the *Council* reference, and has failed to identify any such teaching anywhere within this reference. Therefore, *Council* does not anticipate claim 35, and the rejection should be withdrawn.

D. Claim 36

The Office Action rejects claim 36 under 35 U.S.C. §102(b) as being anticipated by *Council et al.* (National Transportable Telecommunications Capability: Commercial Satellite and Cellular Comm. For Emergency Preparedness, vol. 1, conf. 11, pages 137-140 XP000346717). For the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 36 recites:

A method for establishing wireless communication, comprising:

- (a) *transceiving communication signals between a remote, self-contained communications antenna apparatus and a system of cellular devices that use a standard setup channel and frequency coordination;* and
- (b) transceiving communication signals between said cellular system and a communications network.

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

Applicant respectfully submits that independent claim 36 as amended is allowable for at least the reason that *Council* does not disclose, teach, or suggest at least **transceiving communication signals between a remote, self-contained communications antenna apparatus and a system of cellular devices that use a standard setup channel and frequency coordination**. *Council* teaches a system that is brought to a location in an emergency situation. *See Council*, page 0137. It uses a nonstandard setup channel and frequency coordination so that the system can be operated in the same vicinity of an existing cellular carrier. *See Council*, page 0138. Conversely, the system of claim 36 works to provide service to cell phones that are already otherwise in service. It does not provide a supplemental, nonstandard service as disclosed in *Council*.

Notwithstanding, the undersigned has reviewed the entirety of the *Council* reference, and has failed to identify any such teaching anywhere within this reference. Therefore, *Council* does not anticipate claim 36, and the rejection should be withdrawn.

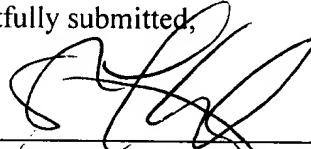
V. References Made of Record

The references made of record have been considered, but are not believed to affect the patentability of the presently pending claims. Other statements not explicitly addressed herein are not admitted.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-31 and 35-38 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



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